

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

2023 APR 12 PM 4:11

CLERK, US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

ELISEO HIDROGO,
PETITIONER,

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V.

CAUSE NO. A-22-CV-1246-LY

WARDEN ROSALEZ,
RESPONDENT.

ORDER ON REPORT AND RECOMMENDATION

Before the court is Petitioner Eliseo Hidrogo's Petition for Writ of *Habeas Corpus* (Doc. #1). *See* 28 U.S.C. § 2241. The petition for writ of *habeas corpus* was referred to the United States Magistrate Judge for findings and recommendation. *See* 28 U.S.C. § 636(b); Loc. R. W. D. Tex. Appx. C, 1. The magistrate judge filed a Report and Recommendation on February 6, 2023 (Doc. #7), recommending that Hidrogo's petition for writ of *habeas corpus* be dismissed without for want of prosecution.

A party may serve and file specific, written objections to the proposed findings and recommendations of the magistrate judge within 14 days after being served with a copy of the Report and Recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); FED. R. CIV. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a Report and Recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *See Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en banc*).

The parties in this cause were properly notified of the consequences of a failure to file objections. As of the date of this order, no party has filed objections to the findings of fact and

conclusions of law in the Report and Recommendation. The court, having reviewed the entire record and finding no plain error, accepts the report and recommendation filed in this cause for substantially the reasons stated therein.

IT IS ORDERED that the United States Magistrate Judge's Report and Recommendation (Doc. #7) filed in this cause is hereby **APPROVED** and **ACCEPTED**.

IT IS FURTHER ORDERED that Petitioner Eliseo Hidrogo's Petition for Writ of *Habeas Corpus* under 28 U.S.C. § 2241 is **DISMISSED WITHOUT PREJUDICE** for want of prosecution.

SIGNED this 12th day of April, 2023.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE